



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 5, 2009


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

In re: SHELLEY BALDERAS and ROBERT DANIEL BALDERAS	§	Case No. 08-10273
	§	(Chapter 13)
	§	
AMERICAN HOME MORTGAGE	§	
SERVICING, INC. as mortgage servicer, its	§	
successors and/or assigns, Movant	§	HEARING DATE: 10/07/2009
	§	TIME: 11:00 AM
vs.	§	
	§	
SHELLEY BALDERAS and ROBERT	§	
DANIEL BALDERAS, Debtor and WALTER	§	JUDGE ROBERT JONES
OCHESEY, Trustee, Respondents	§	
	§	

**DEFAULT ORDER GRANTING MOTION FOR RELIEF FROM THE CO-DEBTOR
STAY REGARDING 1726 DELWOOD DRIVE, ABILENE, TX 79603 PURSUANT TO 11
U.S.C. 1301 FILED BY AMERICAN HOME MORTGAGE SERVICING, INC. AS
MORTGAGE SERVICER**

On 08/03/2009, a Motion for Relief from Co-debtor Stay regarding 1726 DELWOOD DRIVE, ABILENE, TX 79603 pursuant to 11 U.S.C. § 1301 (the Motion) was filed by AMERICAN HOME MORTGAGE SERVICING, INC. as Mortgage Servicer (hereinafter Movant) in the above referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twelve (12) - day negative notice language, pursuant to LBR 4001, which directed

any party opposed to the granting of the relief sought by the Motion to file a written response within twelve days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Motion for Relief from the Co-Debtor Stay regarding 1726 DELWOOD DRIVE, ABILENE, TX 79603 pursuant to 11 U.S.C § 1301 filed by AMERICAN HOME MORTGAGE SERVICING, INC. as Mortgage Servicer is hereby GRANTED so as to authorize AMERICAN HOME MORTGAGE SERVICING, INC. as Mortgage Servicer, its successors and assigns, to exercise any and all remedies available at law and under the applicable loan documents to repossess and/or foreclose its lien upon its lien upon said real property. Further, Movant may contact the Debtor by telephone or written correspondence and, at it option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement regarding said real property, more specifically described below:

LOT 16, BLOCK B, RICHLAND ACRES, AN ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET 2, SLIDE 19-A, PLAT RECORDS, TAYLOR COUNTY, TEXAS.

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the ten (10)-day stay period otherwise imposed by Fed. R. Bankr. P. 4001(3) shall not be applicable to this Order.

END OF ORDER

APPROVED:

The undersigned counsel of record certifies
compliance with Rule 4001

/s/Michael W. Zientz

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